

State of California
Business, Transportation and Housing Agency
Department of Transportation

PROJECT BUSINESS MATTERS
Reimbursement Time Extension
Resolution: G-01-21

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Reference No.: 2.8d

Original Signed By
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May 1, 2002

WAIVER REQUEST – CTC RESOLUTION G-01-21

CTC STIP GUIDELINES

SECTION 65 – TIMELY USE OF FUNDS

LOCAL STREETS AND ROADS PROJECTS

WAIVER-02-20

RECOMMENDATION

The Department of Transportation's recommendations are shown on the attachment.

SUMMARY AND CONCLUSIONS

Resolution G-01-21, *STIP Guidelines*, adopted by the California Transportation Commission (Commission) on July 12, 2001, stipulates that funds programmed for project development and right of way components of local grant projects are available for expenditure only until the end of the second fiscal year after allocation. The guidelines further stipulate that the Commission may approve waivers to the timely use of funds deadline one time only for up to twenty months in accordance with Section 14529.8 of the Government Code.

The Commission has allocated \$4,789,000 in fiscal year 1999-2000 for the four projects on the attached list. The implementing agencies have been unable to expend the funds and do not anticipate expending all the funds by the June 30, 2002 deadline. The attachment shows the details of each project and the delays that have resulted in the extension requests. The project sponsors request extensions, and the planning agencies concur.

Attachment

Time Extension/Waiver – Reimbursement Deadline
Item 2.8d – Local Streets and Roads Projects
Program Year 2001/2002

Project #	Applicant County	Extension Amount By Component (\$ in thousands)	Number of Months Requested
	PPNO	E&P	Extended Deadline
	Project Description	PS&E	CT Recommendation
		R/W	
		CON	
		TOTAL	
	Reason for Project Delay:		
1	Alameda County Transportation Authority Alameda	\$0 \$0 \$3,564 \$0 \$3,564	20 months 2/29/2004 Support – meets STIP guidelines
	<p>PPNO: 2115 Spot Improvements along Mission Blvd (Rte 338)</p> <p>This request is for extension of an expenditure deadline, although it does not reflect a project delay. Right of way certifications necessary to proceed with construction have been secured and construction is underway on two of the three projects. Actual expenditures for the right of way have yet to occur due to condemnations and dealings with two railroads. In addition ACTA does not draw the STIP funds directly from the State, but must rely on Caltrans Accounting for confirmation that expenditures have occurred. The fact that more than ten parcels have gone to condemnation has complicated the accounting because some payments have gone to escrow, but not yet to property owners. Although it is anticipated that right of way dealings will be complete by June 30, 2002, it may take a significant amount of time to settle some of the condemnation cases, sort out the accounting between two agencies, and prepare the necessary documentation. ACTA is requesting the maximum of 20 months to allow for any unforeseen complications in the coordination and final accounting of the right of way funds.</p>		
2	Santa Cruz County Regional Transportation Commission Santa Cruz	\$225 \$0 \$0 \$0 \$225	20 months 2/29/2004 Support, meets STIP guidelines
	<p>PPNO: 0932 SC Rail Line Acquisition – Santa Cruz Branch Line</p> <p>In June 2000, the CTC allocated \$225,000 to produce the necessary environmental documents for acquisition of the Santa Cruz Branch Rail Line. Environmental review for the acquisition is divided into two parts. The first is environmental review to meet CEQA and NEPA requirements. The second is a Phase II Environmental Site Assessment to determine whether there is any contamination beneath the ground along the rail line right-of-way. Before conducting any of the environmental work, the Regional Transportation Commission (RTC) must obtain a right-of-entry agreement from Union Pacific (UP), the current owner. In January 2001, after several discussions with a UP representative, RTC obtained verbal approval for an agreement to conduct only the CEQA/NEPA review. RTC staff submitted the required forms for the right-of-entry agreement, but UP did not sign until September 2001. UP provided a right-of-entry for only three months, and solely for the purposed of CEQA/NEPA review. Completion of the CEQA/NEPA document is expected in April 2002 with the adoption of a negative declaration – for a total of 15 months after UP provided verbal approval to enter its right-of-way.</p> <p>The Phase II Environmental Site Assessment requires digging into the rail line right-of-way and taking soil samples to determine whether any contamination is present. Due to the intrusive nature of this assessment, UP has refused to approve a right-of-entry permit to conduct such a study. RTC staff and legal consultants are working with UP to secure their cooperation and permission to conduct the necessary work. It is expected that it will take another 5 to 6 months to convince the UP real estate department. Once permission is granted, the right-of-entry agreement will have to be negotiated with UP's legal and risk management departments. Based on past experience, this is likely to take up to 10 to 12 months because the work is substantially more intrusive than previous environmental review work. Once the agreement is obtained, it will take 6 to 8 months to complete the Phase II Environmental Site Assessment. The Assessment should be completed in about 21 to 26 months. Therefore, the Santa Cruz County RTC is requesting the maximum expenditure extension of 20 months.</p>		

Time Extension/Waiver – Reimbursement Deadline
Item 2.8d – Local Streets and Roads Projects
Program Year 2001/2002

3	County of Trinity	\$250	9 months
	Trinity	\$0	
	PPNO: 2138	\$0	3/31/2003
	New County Road in Eastern Weaverville from SR 299 to SR3	\$250	Support a 6-month extension for FHWA delays and SHPO timing
<p>This project component was allocated in May 2000. This project requires an Environmental Impact Report/Environmental Assessment (CEQA/NEPA). The FHWA liaison for our area has changed twice during the course of this project. The first liaison said the project would require separate documents and processes to satisfy CEQA and NEPA. The consultants scheduled work accordingly. The second liaison said a combined document should be prepared. This required revisions to what had already been prepared and caused a delay of approximately one-month. The third liaison agreed to the combined document, but informed the county that consultation with the State Historic Preservation Office (SHPO) for concurrence with the findings of the Historic and Archaeological Survey Reports must be complete before circulating the draft environmental documents. The county had previously been told this could be done concurrently, and scheduled accordingly. SHPO consultation commonly takes 4 months or more. The two-month circulation and public comment period must wait until then. The combination of these delays is approximately 6 months. The county is requesting a 9-month extension, but the department recommends 6 months to account for the CEQA/NEPA delays.</p> <p>The county is also requesting extension of the allocation deadline for PS&E and ROW, due to the delay in environmental.</p>			
4	County of Trinity	\$750	20 months
	Trinity	\$0	
	PPNO: 2139	\$0	02/29/2004
	Construction Fowler Road from Fairview Ave to Rte 217	\$750	Support, meets STIP guidelines
<p>The CTC allocated the E&P funds in May 2000. The Project Study Report (PSR) for this project clearly indicated that environmental document preparation would take at least three years. The Project Fact Sheet identifies the target date for the final document as June 30, 2003. The county programmed this project on a three-year schedule that anticipated the complex environmental process for this extensive new construction project. Therefore, to complete the environmental process as programmed, an additional 12 months is required.</p> <p>Unforeseen circumstances have also resulted in additional time required to complete the CEQA/NEPA process:</p> <ul style="list-style-type: none"> • The size of the contract necessitated a Caltrans audit of the selected consultant. The audit took 30 days longer than anticipated, resulting in a one month delay. • In August 2001, a catastrophic wildfire consumed the western third of the proposed alignment. This was during the time the consultants were performing their field studies. Alignment staking and field marking of resources was destroyed. The surveyors and consultants were unable to access the burned area until November because of salvage logging and emergency erosion control activities. Snow commenced shortly after the emergency work was complete. This prematurely ended the 2001 field season, resulting in a loss of 4 months. • The Federal Notice of Intent (NOI) was transmitted to FHWA for publication in the Federal Register in October 2001. FHWA sent the notice to the wrong address, and the second mailing was lost in the mail – arriving on the same day as the third notice, which was sent January 8, 2002. The NOI was published in the Federal Register on January 14, 2002, nearly 3 months after the original notice was sent. <p>Total project delay due to the above circumstances is 20 months. Therefore, the county is requesting a 20-month extension for expenditure of E&P funds.</p>			